

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

WP(C).No. 33037 of 2006(G)

I.A.8107/06 IN OS.720/2006 of II ADDL.SUB COURT,ERNAKULAM

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PETITIONER:

MANUEL JOYSION I.G., AGED 31 YEARS,
S/O.GEORGE, BUSINESS, ILLIPARAMBIL HOUSE,
NORTH KALOOR, ELAMAKKARA, KOCHI-682 017.

BY ADV. SRI.P.P.JOYI

RESPONDENTS:

JOSEPH.K.C., AGED 77 YEARS,
S/O.SOURI, KOTTEPARAMBIL HOUSE,
KATHRIKKADAVU, KALOOR P.O., KANAYANNUR TALUK,
ELAMKULAM VILLAGE.

BY //

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12/12/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C) .NO.33037 OF 2006

Dated 12th December 2006

JUDGMENT

Petitioner is plaintiff in O.S.720/06 on the file of Second Additional Sub court, Ernakulam. This petition is filed under Article 227 of Constitution of India for a direction to learned Sub Judge to consider Ext.P3 application filed under Order XXXIX Rule 1 and 2 of Code of Civil Procedure. This petition was filed on Monday on 11/12/2006. Ext.P3 application was filed before trial court only on Thursday, 7/12/2006. I do not find that any direction is necessary to the trial court to dispose Ext.P3, when Ext.P3 application was filed only four days prior to the filing of the writ petition. Petitioner may move the trial court for expeditious disposal of the petition.

Writ petition is dismissed.

**M.SASIDHARAN NAMBIAR,
JUDGE.**

uj.

